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State/Territory Name: Colorado

State Plan Amendment (SPA) #: CO-13-050-MM

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Summary Form
- 3) Superseding Pages Notice
- 4) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1600 Broadway, Suite 700
Denver, CO 80202-4967



Region VIII

May 20, 2014

Susan E. Birch, MBA, BSN, RN, Executive Director
Department of Health Care Policy & Financing
1570 Grant Street
Denver, CO 80203-1818

RE: Colorado #13-050-MM

Dear Ms. Birch:

We have reviewed the proposed State Plan Amendment (SPA) submitted under transmittal number (TN) 13-050-MM. With this SPA, the State affirms citizenship regulations, specifies reasonable opportunity options, and specifies policy options related to immigrant eligibility in accordance to the Affordable Care Act.

Please be informed that this State Plan Amendment was approved on today with an effective date January 1, 2014. We are enclosing the summary page (formerly CMS 179) and the amended plan page(s).

We note that the State's response to the Request for Additional Information (RAI), dated May 7, 2014, outlines the final corrective action plan to address the State's compliance with 1137(d) of the Social Security Act that requires the state furnish benefits to individuals who are otherwise eligible pending verification of citizenship or satisfactory immigration status. According to the May 7, 2014 response, the State has implemented phase 1 and 2 of their corrective action plan and is currently furnishing benefits to individuals pending verification of satisfactory immigration status during a 90 day reasonable opportunity period. We do not require any further action on the part of the State in relation to the approval of this state plan amendment. However, as outlined in phase three of the final corrective action plan, the State will build system interfaces for Steps 2 and 3 of the SAVE system in order to verify satisfactory immigration status. The state has committed to integrating the Steps 2 and 3 of SAVE into their eligibility system and to modifying their verification process to send requests to individuals for paper documentation of satisfactory immigration status only after the electronic process has been exhausted as required under rules, no later than September 2015. As discussed, the State will need to submit a Hub Waiver and update their APD process mitigation plan to continue to track and implement the remainder of the corrective action plan.

CO-13-050-MM

If you have any questions concerning this amendment, please contact Curtis Volesky at (303) 844-7033.

Sincerely,

/s/

Richard C. Allen
Associate Regional Administrator
Division for Medicaid & Children's Health Operations

cc: Suzanne Brennan
Pat Connally
Barb Prehmus
John Bartholomew
Max Salazar

Medicaid State Plan Eligibility: Summary Page (CMS 179)

State/Territory name: Colorado

Transmittal Number:

Please enter the Transmittal Number (TN) in the format ST-YY-0000 where ST= the state abbreviation, YY = the last two digits of the submission year, and 0000 = a four digit number with leading zeros. The dashes must also be entered.

CO-13-050

Proposed Effective Date

01/01/2014 (mm/dd/yyyy)

Federal Statute/Regulation Citation

1902(a)(46)(B); 8 USC 1611, 1612, 1613, and 1641; 1903(v)(2),(3), and (4); 42 CFR Sections 435.4, 435.406 an

Federal Budget Impact

| | Federal Fiscal Year | Amount |
|-------------|---------------------|--------|
| First Year | 2014 | \$0.00 |
| Second Year | 2015 | \$0.00 |

Subject of Amendment

Non-Financial Eligibility; Citizenship and Non-Citizen Eligibility

Governor's Office Review

- Governor's office reported no comment
- Comments of Governor's office received

Describe:

- No reply received within 45 days of submittal
- Other, as specified

Describe:

Signature of State Agency Official

Submitted By: Barbara Prehmus
 Last Revision Date: May 12, 2014
 Submit Date: Aug 23, 2013

**SUPERSEDING PAGES OF
STATE PLAN MATERIAL**

TRANSMITTAL NUMBER:

13-050 MM

STATE:

Colorado

**PAGE NUMBER OF THE PLAN SECTION OR
ATTACHMENT:**

S89 Non-Financial Eligibility- Citizenship and Non-citizen Eligibility

**PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable):**

Attachment 2.6-A: Page 2, item (3), paragraphs (a), (b), (c), and
(d), TN 11-011

Attachment 2.6-A: Page 2a, TN 11-011

Attachment 2.6-A: Page 2b, TN 11-011



Medicaid Eligibility

OMB Control Number 0938-1148
OMB Expiration date: 10/31/2014

Non-Financial Eligibility S89 Citizenship and Non-Citizen Eligibility

1902(a)(46)(B)
8 U.S.C. 1611, 1612, 1613, and 1641
1903(v)(2),(3) and (4)
42 CFR 435.4
42 CFR 435.406
42 CFR 435.956

Citizenship and Non-Citizen Eligibility

The state provides Medicaid to citizens and nationals of the United States and certain non-citizens consistent with requirements of 42 CFR 435.406, including during a reasonable opportunity period pending verification of their citizenship, national status or satisfactory immigration status.

The state provides Medicaid eligibility to otherwise eligible individuals:

Who are citizens or nationals of the United States; and

Who are qualified non-citizens as defined in section 431 of the Personal Responsibility and Work Opportunity

Reconciliation Act (PRWORA) (8 U.S.C. §1641), or whose eligibility is required by section 402(b) of PRWORA (8 U.S.C. §1612(b)) and is not prohibited by section 403 of PRWORA (8 U.S.C. §1613); and

Who have declared themselves to be citizens or nationals of the United States, or an individual having satisfactory immigration status, during a reasonable opportunity period pending verification of their citizenship, nationality or

satisfactory immigration status consistent with requirements of 1903(x), 1137(d), 1902(ee) of the SSA and 42 CFR 435.406, and 956.

The reasonable opportunity period begins on and extends 90 days from the date the notice of reasonable opportunity is received by the individual.

The agency provides for an extension of the reasonable opportunity period if the individual is making a good faith effort to resolve any inconsistencies or obtain any necessary documentation, or the agency needs more time to complete the verification process.

Yes No

The agency begins to furnish benefits to otherwise eligible individuals during the reasonable opportunity period on a date earlier than the date the notice is received by the individual.

Yes No

The date benefits are furnished is:

The date of application containing the declaration of citizenship or immigration status.

The date the reasonable opportunity notice is sent.

Other date, as described:



Medicaid Eligibility

The state provides Medicaid coverage to all Qualified Non-Citizens whose eligibility is not prohibited by section 403 of PRWORA (8 U.S.C. §1613).

Yes No

The state elects the option to provide Medicaid coverage to otherwise eligible individuals under 21 and pregnant women, lawfully residing in the United States, as provided in section 1903(v)(4) of the Act.

Yes No

Pregnant women

Individuals under age 21:

An individual is considered to be lawfully residing in the United States if he or she is lawfully present and otherwise meets the eligibility requirements in the state plan.

An individual is considered to be lawfully present in the United States if he or she:

1. Is a qualified non-citizen as defined in 8 U.S.C. 1641(b) and (c);
2. Is a non-citizen in a valid nonimmigrant status, as defined in 8 U.S.C. 1101(a)(15) or otherwise under the immigration laws (as defined in 8 U.S.C. 1101(a)(17));
3. Is a non-citizen who has been paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than 1 year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
4. Is a non-citizen who belongs to one of the following classes:
 - Granted temporary resident status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
 - Granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. §1254a, and individuals with pending applications for TPS who have been granted employment authorization;
 - Granted employment authorization under 8 CFR 274a.12(c);
 - Family Unity beneficiaries in accordance with section 301 of Pub. L. 101-649, as amended;
 - Under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - Granted Deferred Action status;
 - Granted an administrative stay of removal under 8 CFR 241;
 - Beneficiary of approved visa petition who has a pending application for adjustment of status;
5. Is an individual with a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture who -
 - Has been granted employment authorization; or
 - Is under the age of 14 and has had an application pending for at least 180 days;
6. Has been granted withholding of removal under the Convention Against Torture;
7. Is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J);
8. Is lawfully present in American Samoa under the immigration laws of American Samoa; or



Medicaid Eligibility

9. Is a victim of severe trafficking in persons, in accordance with the Victims of Trafficking and Violence Protection Act of 2000, Pub. L. 106-386, as amended (22 U.S.C. 7105(b));

10. Exception: An individual with deferred action under the Department of Homeland Security's deferred action for the childhood arrivals process, as described in the Secretary of Homeland Security's June 15, 2012 memorandum, shall not be considered to be lawfully present with respect to any of the above categories in paragraphs (1) through (9) of this definition.

Other

The state assures that it provides limited Medicaid services for treatment of an emergency medical condition, not related to an organ transplant procedure, as defined in 1903(v)(3) of the SSA and implemented at 42 CFR 440.255, to the following individuals who meet all Medicaid eligibility requirements, except documentation of citizenship or satisfactory immigration status and/or present an SSN:



Qualified non-citizens subject to the 5 year waiting period described in 8 U.S.C. 1613;

Non-qualified non-citizens, unless covered as a lawfully residing child or pregnant woman by the state under the option in accordance with 1903(v)(4) and implemented at 435.406(b).

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148. The time required to complete this information collection is estimated to average 40 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

Non-Financial Eligibility: Citizenship and Non-citizen Eligibility

TRANSMITTAL NUMBER:

13-0050-MM

STATE:

Colorado

From January 1, 2014 through August 31, 2014 the state is using an interim process as documented in the *Colorado Non-Citizen Reasonable Opportunity Period Interim Process and Work Plan* dated 02-14-2014 to ensure that an individual pending verification of satisfactory immigration status is provided a 90 calendar day reasonable opportunity period to provide documentation. Such individuals will be enrolled in Medicaid and provided access to benefits during the reasonable opportunity period. Beginning September 2014 the state's eligibility and enrollment system modifications will allow client declaration of satisfactory legal status, enrollment into Medicaid, and a reasonable opportunity period of 90 days to provide documentation to verify the self-declared status.